



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

2. Waters and Water Courses (§ 75*)—Pollution of Streams—Liability to Lower Riparian Owner—"Nuisance."—Though the natural pollution of a stream through populous regions cannot ordinarily be restrained, any use of a stream materially fouling and adulterating the water thereof, or discharge therein of any filth or noxious substance impairing the value of the water for ordinary purposes, or rendering it less wholesome than in its ordinary state, or rendering it offensive to taste or smell, is a "nuisance," which equity will enjoin.

[Ed. Note.—For other cases, see Waters and Water Courses, Cent. Dig. § 66; Dec. Dig. § 75.* 13 Va.-W. Va. Enc. Dig. 683.]

For other definitions, see Words and Phrases, First and Second Series, Nuisance.

3. Limitation of Actions (§ 55*)—Accrual of Cause—Pollution of Waters.—A cause of action for the pollution of a stream by the discharge therein of sewage accrues when the discharge is in sufficient quantities to pollute the stream and create a nuisance.

[Ed. Note.—For other cases, see Limitation of Actions, Cent. Dig. § 55.* 13 Va.-W. Va. Enc. Dig. 683.]

4. Limitations of Actions (§ 58*)—Accrual of Right—Taking or Damaging Property—Constitutional Protection.—Until there is a taking or a damage to property, the owner thereof has no occasion to invoke the protection of Const. 1902, § 58 (Code 1904, p. ccxxii), prohibiting the Legislature from enacting any law whereby private property shall be taken or damaged for public use without just compensation.

[Ed. Note.—For other cases, see Limitation of Actions, Cent. Dig. §§ 324-328, 346, 347; Dec. Dig. § 58.* 1 Va.-W. Va. Enc. Dig. 129.]

Appeal from Circuit Court, Wythe County.

Suit by Mary B. McKinney against the Trustees of Emory and Henry College, Incorporated. From a decree dissolving a temporary injunction and dismissing the bill, complainant appeals. Reversed and remanded.

A. Gray Gilmer, of Bristol, and *F. B. Hutton*, of Abingdon, for appellant.

M. H. Honaker and *White, Penn & Penn*, all of Abingdon, for appellee.

MEEM, HASKINS & MITCHELL *v.* BIG AX POCAHONTAS COAL CO. et al.

Sept. 9, 1915.

[86 S. E. 118.]

Corporations (§ 406*)—Contracts—Powers of Officers.—A contract of employment by a corporation of engineers to do surveying for

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

the corporation was within the charter powers of the corporation. The secretary of the corporation, managing the business, made the contract on behalf of the corporation, and the treasurer, with knowledge of the facts, made payments to the engineers in pursuance of the contract. The president denied that the board of directors ordered the work to be done, or authorized the contract, but admitted the necessity of having the work done. The secretary and treasurer were a majority of the board of directors and owned four-fifths of the stock. Held, that the corporation was bound by the contract, notwithstanding any irregularity in its inception.

[Ed. Note.—For other cases, see Corporations, Cent. Dig. §§ 1611-1614; Dec. Dig. § 406.* 3 Va.-W. Va. Enc. Dig. 564.]

Appeal from Circuit Court, Buchanan County.

Suit by Meem, Haskins & Mitchell against the Big Ax Pocahontas Coal Company and others. From a decree denying relief, complainants appeal. Reversed and remanded.

J. Powell Royall, of Tazewell, and *L. J. Holland*, of Bluefield, W. Va., for appellants.

Eugene Withers, of Danville, and *Flannagan & Boyd* and *Williams & Combs*, all of Grundy, for appellees.

WOODEN *v.* COMMONWEALTH.

Sept. 9, 1915.

[86 S. E. 305.]

1. Assault and Battery (§ 71*)—Guilt by Presence.—The mere presence of a person at the time and place of an assault, without any act, word, or gesture in aid of it, with nothing to show he advised it, will not render him guilty; mere knowledge not being enough.

[Ed. Note.—For other cases, see Assault and Battery, Cent. Dig. § 87; Dec. Dig. § 71.* 1 Va.-W. Va. Enc. Dig. 730.]

2. Criminal Law (§ 560*)—Evidence—Degree to Prove.—To justify a verdict of guilty, it is not sufficient that the evidence create a suspicion or probability of guilt; it must exclude every reasonable hypothesis, except that of guilt.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. § 1266; Dec. Dig. § 560.* 4 Va.-W. Va. Enc. Dig. 90.]

3. Assault and Battery (§ 91*)—Evidence—Sufficiency.—In a prosecution for assault, evidence held insufficient to sustain verdict of guilty.

[Ed. Note.—For other cases, see Assault and Battery, Cent. Dig. § 136; Dec. Dig. § 91.* 1 Va.-W. Va. Enc. Dig. 734.]

Appeal from Corporation Court of Buena Vista.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.